

REMARKS / DISCUSSION OF ISSUES

Claims 1-38 are pending in the application.

The applicants thank the Examiner for acknowledging the claim for priority and receipt of certified copies of all the priority document(s), and for determining that the drawings are acceptable.

Claims are amended for non-statutory reasons: to correct one or more informalities, remove figure label number(s), and/or to replace European-style claim phraseology with American-style claim language. The claims are not narrowed in scope and no new matter is added.

The Office action rejects claims 1-10, 16-27, 33-36, and 38 under 35 U.S.C. 103(a) over Apostolides et al. (USP 6,829,226, hereinafter Apostolides) and Das et al. (USPA 2003/0087605, hereinafter Das). The applicants respectfully traverse this rejection.

The combination of Apostolides and Das fails to disclose each of the elements of the applicants' claims. That is, even if one were motivated to combine these two disclosures, the combination fails to provide each of the elements of the applicants' claimed invention.

The combination of Apostolides and Das does not disclose a mobile station that includes transmission control means that control the time of transmission of reports of the quality of received signals such that, in response to an interruption in a power control loop process or the transmitting of reports at the mobile station, one or more second of the reports are transmitted at times that are not coincident with the predetermined times for sending such reports, as specifically claimed in claim 1, upon which claims 2-17 depend. Claim 18, upon which claims 19-33 depend includes similar features.

The combination of Apostolides and Das also does not disclose a base station that schedules an interruption of a power control process or reports received from the mobile station, and transmits an indication of one or more further reports to be transmitted for a period at times not coincident with the predetermined times for sending the reports, based on the scheduled interruption, as specifically claimed in claim 34, upon which claims 35-38 depend.

The Office action acknowledges that Apostolides fails to disclose transmission control means that controls the time of transmission of reports of the quality of received signals such that, in response to an interruption in the power control loop or the quality reporting at the base station, one or more second of the reports are transmitted at times that are not coincident with the predetermined times for sending such reports, and asserts that Das discloses this feature at [0016], lines 3-7, and [0017], lines 7-24. The applicants respectfully disagree with this assertion.

Das discloses that the rate of providing channel quality reports is dependent on whether communications are received from the base station. Das does not disclose that providing channel quality reports is dependent on an interruption in a power control loop or the quality reporting from the mobile station. At the cited text, Das discloses:

"In general, when there is no data transmission from the base station (e.g., time slots 301-306), the channel quality information (e.g., rate information) is sent from the mobile station every two (2) slots as shown by communications 352, 354, 361, 363, and 365." (Das [0016], lines 3-7.)

"In slot 404, the mobile station detected a change in channel quality and reported back to the base station that transmission should occur at rate R2. This channel quality feedback is received by the base station during its time slot 306. Because the base station is sending a transmission to the mobile station during time slots 307-309 and because the base station is receiving channel quality feedback indicating rate R2 as the desired rate (e.g., R2 reported by mobile station in time slot 404 and received by the base station in time slot 306), the transmission by the base station during time slots 307-309 is therefore sent at rate R2. Because the base station is now transmitting data to the mobile station during time slots 307-309, the mobile station is adapted to send the channel quality feedback at a faster rate (e.g., every time slot) for the corresponding time slots 407-409, e.g., as shown by communications 357-359." (Das [0017], lines 7-24.)

As is clearly evident in the cited text, Das is silent with regard to a power control loop, per se, and specifically does not address an interruption to such a loop. In like manner, Das is silent with regard to an interruption of the quality reporting from the mobile station, and specifically does not address changing the time of reporting based on an interruption of the power control loop or the quality reporting, as taught and claimed by the applicants.

Because the combination of Apostolides and Das fails to disclose controlling the transmission of quality reports such that first of the reports are transmitted at a predetermined sequence of times and, in response to an interruption in the power control loop or the transmitting of reports, one or more second of the reports are transmitted at times not coincident with the predetermined times, as asserted in the Office action, the applicants respectfully maintain that the rejection of claims 1-10, 16-27, and 33 under 35 U.S.C. 103(a) over Apostolides and Das is unfounded, and should be withdrawn.

The Office action fails to identify where the combination of Apostolides and Das discloses a base station that schedules an interruption in a power control loop process or quality reporting from the mobile station, and fails to identify where the combination of Apostolides and Das discloses generating, in response to the scheduled interruption, an indication of one or more further reports to be transmitted for a period at times not coincident with predetermined times, as claimed in claim 34. Accordingly, the applicants respectfully maintain that the rejection of claims 34- 36 and 38 under 35 U.S.C. 103(a) over Apostolides and Das is unfounded and should be withdrawn.

The Office action rejects:

claims 11-14, 28-31, and 37 under 35 U.S.C. 103(a) over Apostolides, Das, and Seo et al. (USPA 2003/0123396, hereinafter Seo); and

claims 15 and 32 under 35 U.S.C. 103(a) over Apostolides, Das, and Cudak et al. (USPA 2005/0289256, hereinafter Cudak) . The applicants respectfully traverse these rejections.

The rejected claims are dependent on independent claims 1, 18, and 34, and in these rejections, the Office action relies on the combination of Apostolides and Das for disclosing each of the elements of claims 1, 18, and 34. As noted above, the combination of Apostolides and Das fails to disclose each of the elements of claims 1, 18, and 34; accordingly, the applicants respectfully maintain that the rejections of claims 11-15, 28-32, and 37 under 35 U.S.C. 103(a) that rely on the combination of Apostolides and Das for disclosing the elements of claims 1, 18, and 34 are unfounded, and should be withdrawn.

In view of the foregoing, the applicants respectfully request that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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